REMARKS

Reconsideration and allowance of this application are respectfully requested.

I.   Summary of Final Office Action

Claim 5 is objected.

Claim 1 and dependent claims 2-10 are rejected under 35 U.S.C. § 101 as claiming allegedly non-statutory subject matter (software).

Claims 16-21 are rejected under 35 U.S.C. § 101 as claiming allegedly non-statutory subject matter (use without any steps).

Claims 16-21 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite (process without any steps).

Claim 1-8, 11-16, 18 and 20 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Mokuya et al. (U.S. Pub. 2003/0046381; hereinafter "Mokuya").

Claims 9, 10, 17, 19 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mokuya in view of Froyd et al. (U.S.P. 6,725,233; hereinafter "Froyd").

II.   Amendments to Claims

Applicant cancels claims 16, 18 and 20, and amends claims, 5, 17, 19 and 21.

III.   Analysis of Claim Objection

As indicated by the Examiner, Applicant deletes the wording "either" from the claim. Accordingly, Applicant submits that the claim objection should be withdrawn.

IV.   Analysis of Claim Rejection under 35 U.S.C. § 101

[Claim 1 and Dependent Claims]

The Examiner rejects these claims alleging that the claimed "plant" is a software construct which is a non-statutory entity.

Applicant, however, submits that the claimed subject matter in these claims is not the "plant", which is an element of the claimed system, but a "system" for managing management data (which could be software) of the plant. Thus, whether the claimed subject matter is statutory or not should not be determined by an element of the claimed system.

In claim 1, the system for managing management data of plant is defined as including at least one automatic descriptor which performs three distinct functions as recited in the claim. These functions enable a user of the system to designate a network plant according to the management information base definition, and deliver the data representing the fields of the plant as recited in the claim and further supported by the specification. Here, the claim defines a practical application of software function included in a system whether this system is software or a combination of software and hardware. Further, the claim is configured to provide a useful, tangible and concrete result.

Therefore, the claimed subject matter constitutes at least a 35 U.S.C. § 101 judicial exception or a practical application of a 35 U.S.C. § 101 judicial exception.

Applicant respectfully requests withdrawal of the claim rejection in this regard.

[Claims 16-21]

As noted above, claims 16, 18 and 20 are canceled, and claims 17, 19 and 21 are amended to claim statutory subject matter (methods). Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. § 101 should be withdrawn.

V.   Analysis of Claim Rejection under 35 U.S.C. § 112

[Claims 16-21]

As claims 16, 18 and 20 are canceled, and claims 17, 19 and 21 are amended, Applicant respectfully requests withdrawal of rejection in this matter.

VI.   Analysis of Claims Rejection under 35 U.S.C. § 102(a)

[Claims 1 and 12]

In rejecting claim 1, the Examiner alleges that all elements of the claimed system are disclosed by Mokuya's network device management system.

Like the present application, Mokuya is also directed to management of network devices by a network management system using management information base (MIB) definition files corresponding to MIB of the network devices.

However, at least one difference between the claimed system and the Mokuya is that Mokuya does not disclose the "at least one automatic descriptor" and its functions as recited in the claim. The claim which defines the automatic descriptor reads as follows:

1.   A system (1) for managing management data of plant (5) of
a communications network, each unit of the plant including a
management information base (6) containing values of fields and
associated with a management information base definition (7)
including fields and accessible in a network management system
(NMS), which system is characterized in that it includes at least
one automatic descriptor (8) that: i) includes first data designating
at least one type of network plant (5) and second data designating
management information base definitions (7) associated with said
type of plant (5), and ii) is adapted, in the event of receiving data
designating said type of plant (5), to access the fields of said
management information base definitions (7) associated with the
designated type and then to deliver third data representative of the
fields of the plant (5) of the designated type.

As described in the specification, the automatic descriptor enables the claimed network

management system to manage any type of plant (network device) while non-automatic

(conventional) descriptors can be associated with only one plant.

Compared to the claimed system, Mokuya's management system is particularly directed

to converting a management information database (MIB) definition file 21a (MIB file) into a tag-

structured file 23a of an ordinary format such as XML to avoid complicated modification of an

MIB file into a format unique to the management system. Here, the MIB file 21a of Mokuya

corresponds to the MIB definition in the claim. In the office action, however, the Examiner

appears to read the automatic descriptor on the "data structure describing MIB in ASN1 format"

(i.e., the MIB file) or the converted tag-structured file 23a of Mokuya.

However, the data structure describing MIB in ASN1 format (MIB file 21a) can only

correspond to "a management information base (MIB) definition (7)" in the claim, but cannot be

the automatic descriptor. In addition, since the converted tag-structured file is still an MIB file

even though it is no more in ASN1 format after conversion, the converted tag-structured file

cannot be the automatic descriptor. Further, since the automatic descriptor is claimed as adapted

to access the fields of the MIB definition (i.e., the MIB file of Mokuya), the automatic descriptor

is clearly differentiated from the MIB file of Mokuya in the claim recitation. Moreover, since

the MIB file only defines the structure of the MIB of a network device (plant), the MIB file itself

cannot perform the function of delivering third data representative of the fields of the plant of the

designated type as recited in the claim.

Thus, Applicant respectfully submits that the Examiner's reading of the automatic

descriptor on the MIB files or the converted tag-structured files are not correct.

Accordingly, the claimed network management system (claim 1) and corresponding

method (claim 12) would not have been anticipated by Mokuya at least because the reference

fails to teach the automatic descriptor as recited in the claim.

[Claim 2]

In rejecting claim 2, the Examiner also reads the non-automatic descriptor the MIB file

which is supplied by a device manufacturer. Again, the MIB file may only indicate the MIB

definition recited in the claim, but does not teach the non-automatic descriptor.

Therefore, Applicant respectfully traverses the Examiner's rejection. Claim 2 should be

also patentable due to its dependency.

[Claims 3 and 13]

Relying on the control-table list (Fig. 4) described in page 4, paragraphs 49-55, the

Examiner alleges that the claimed system is disclosed by Mokuya.

However, as discussed in the claim 1 analysis, the control-table list is only a converted MIB file in an ordinary software language format such as XML, but does not teach the automatic descriptor.

Therefore, claims 3 and 13 should also be patentable without regard to its claim dependency.

[Claims 4 and 14]

As discussed in the claim 1 analysis, the control-table list is only a converted MIB file, but still an MIB file which provided by a device manufacturer. Thus, this MIB file itself cannot perform a network management function such as delivering third data and a table including extracted filed values performed by the automatic descriptor.

Therefore, claims 4 and 14 should also be patentable without regard to its claim dependency.

[Claims 5-7]

For the same reasoning discussed above, the claimed system including the automatic descriptor are not disclosed in Mokuya. Thus, these claims should be patentable.

[Claim 8, 11 and 15]

These claims should be allowable at least due to their claim dependency.

[Claims 16, 18 and 20]

These claims are canceled.

VII.   Analysis of Claims Rejection under 35 U.S.C. § 103(a)

Applicant respectfully submits that claims 9, 10, 17, 19 and 21 should be allowable at least due to their dependency.

VIII.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
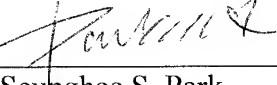
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